UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,812	03/18/2004	Lee Begeja	2003-0059 (ATT.0180000)	5880

7590   09/12/2008

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EXAMINER
HAN, QI

ART UNIT	PAPER NUMBER
2626	

MAIL DATE	DELIVERY MODE
09/12/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Advisory Action *Before the Filing of an Appeal Brief*	*10/802,812*	BEGEJA ET AL.
	Examiner	**Art Unit**
	QI HAN	2626

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>22 August 2008</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☒ The period for reply expires <u>4 </u>months from the mailing date of the final rejection.

   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

      Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

      NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: *1-8, 17-20*.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/Qi Han/
Examiner, Art Unit 2626

Continuation of 11. does NOT place the application in condition for allowance because: the applicant's arguments in the amendment (filed on 06/16/2008) after final, regarding claim rejection under 35 USC 103 in the final office action, are not persuasive.

In response to applicant's arguments regarding claim 1 (also applied to 2-8 and 17-20) that "there is no discussion of how call types are generated but it is assumed from that statement that the call types already exist", the prior art "fail to disclose how the plurality of call types may generated based on the first set of utterance" (Remarks: pages 5-6, bridge paragraph), the prior art "assume the existence of the spoken language understanding module and thus this portion also fails to teach a mechanism for generating a natural language understanding model"(Remarks: page 6, paragraph 1), "there no teaching or suggestion of how these (language models) might generated" (Remarks: pages 6-7, bridge paragraph), and "Arai et al. fail to make reference to use of call-type information contained within the first set of the utterances" (Remarks: pages 5-6, bridge paragraph), the examiner respectfully disagrees with the applicant's arguments and has a different view of the prior art teachings and the claim interpretations.

It is noted that the applicant selectively picked the recited content of the prior art, but failed to treat the prior art teachings as a whole. In general, a spoken language understanding system with statistical model (such as probability based model) necessarily or inherently involves two phases of operations: (supervised or non-supervised) training operation for training the model by using training data, and testing operation applying the trained model to input/test data for recognition (or classification). It can bee seen, as rejected, that the prior art (Arai) discloses both of these operations, as evidenced by Fig. 9, which includes 'clustering generation subsystem 1100' 'clustering (i.e. generating) grammar fragments (i.e. corresponding classes or statistical models)' from 'test speech utterance (herein corresponding to training data)', and 'classification subsystem 1110' recognizing (or classifying) the grammar fragment (by using trained models) for input speech (corresponding to test data) (also see Figs 2, 4, and 11; col. 9, lines 1-47; col. 2, lines 13-35).

Further, it is noted that Arai further discloses details of using 'training transcriptions' and generating 'call-types', modeled by 'call-type probability distribution' and estimated by 'call-type frequencies', and measured by Kullback-Leibler distance (Fig. 2 and col. 4, line 6 to col. 5, line 67, equations 3 and 6).

Furthermore, it can be seen that 'call-types' is only a part of three-phrase grammar fragment model, wherein 'each phrase is a substring of a sentence' (Figs. 2 and 7A-7C, col. 3, lines 27-34; col. 7, lines 1-34; col. 8, lines 26-40). Thus, when clustering (generating) a model with combined phrases (corresponding to language model or language recognition/understanding model), such as a grammar fragment (model) with three phrases, or the corresponding expanded model, or a related sentence (Figs. 2, 4, 11A-11C; col. 8, lines 54-64; col. 10, lines 30-46), call-type information is necessarily/inherently used during training operation since call-type probability and/or distance (information) is/are contributed as a part of process for the clustering.

Finally, even though Arai discloses the training and testing operations in mixed way (see col. 2, lines 13-35; col. 3, lines 1-67; col. 9, lines 1-67), the necessary/inherent features of training phase and testing phase for the spoken language recognition/understanding system disclosed by Arai, would be readily recognized and distinguished, by one of ordinary skill in the art. Therefore, it is clear to the examiner, that the applicant's argued existing call-types or models are referred to the corresponding testing operation, not for training operation.

Regarding the other claims, the response to the applicant's arguments is based on the same reason for claim 1 as stated above, because the arguments are based on the same issue(s) as claim 1.

For above reasons, the claim rejection is sustained.

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